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NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 23rd May 1951:—

Issue No.	No. and Date	Issued by	Subject
71	S. R. O. 696, dated the 15th May, 1951.	Ministry of Law	The Delimitation of Parliamentary and Assembly Constituencies (Assam) Order, 1951.
72	S. R. O. 697, dated the 15th May 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (Bihar) Order, 1951.
73	S. R. O. 698, dated the 15th May, 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (Orissa) Order, 1951.
74	S. R. O. 699, dated the 15th May, 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (West Bengal) Order, 1951.
75	S. R. O. 700, dated the 15th May, 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (Hyderabad) Order, 1951.
76	S. R. O. 701, dated the 15th May, 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (Madhya Pradesh) Order, 1951.
77	S. R. O. 702, dated the 15th May, 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (Patiala & East Punjab States Union) Order, 1951.
78	S. R. O. 703, dated the 15th May, 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (Rajasthan) Order, 1951.
79	S. R. O. 704, dated the 15th May, 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (Saurashtra) Order, 1951.
80	S. R. O. 705, dated the 15th May, 1951.	Ditto.	The Delimitation of Parliamentary and Assembly Constituencies (Travancore-Cochin) Order, 1951.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).****MINISTRY OF LAW***New Delhi, the 19th May 1951*

S.R.O. 762.—In exercise of the powers conferred by clause (1) of article 290 of the Constitution, the President hereby directs that the following further amendments shall be made in the Notification of the Government of India in the Ministry of Law No. F. 35-I/50-L., dated the 26th January, 1950, relating to the execution of contracts and a assurances of property, namely:—

In Part V of the said notification, under Head L:—

- (i) After the words "*of the Indian Army,*" the words "*Director General, Armed Forces Medical Services, Assistant Director General (Equipment and Stores), Armed Forces Medical Services,*" shall be inserted.
- (ii) After the words "*Officers Commanding Armed Forces Medical Stores Depots,*" the words "*Commodore-in-Charge, Cochin,*" shall be inserted.
- (iii) After the words "*Deputy/Assistant Naval Stores Officer, Vizagapatam,*" the words "*Director of Equipment/Deputy Director of Equipment, Air Headquarters,*" shall be inserted.
- (iv) After the words "*Commanding Officers of Indian Air Force Stations/Units,*" the words "*the Director General, Ordnance Factories, Superintendents, Officers-in-Charge, Ordnance and Clothing Factories,*" shall be added.

[No. F. 35-I/51-L.]

SHRI GOPAL SINGH, Dy. Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 18th May 1951*

S.R.O. 763.—In exercise of the powers conferred by Section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby exempts Maharaj Kumari Coocoo Phunkhang, daughter of His Highness the Maharaja of Sikkim or any agent duly authorised by her in this behalf from the operation of the prohibitions and directions contained in Section 6 and section 14 of the said Act or any notification issued under section 10 of the said Act, in respect of 900 rounds of ammunition for .38 bore pistol.

2. The exemption shall be valid for a period of three months from the date of this notification.

[No. 9/18/51-Police(I).]

U. K. GHOSHAL, Dy. Secy.

New Delhi, the 19th May 1951

S.R.O. 764.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendment shall be made in the Central Civil Services (Temporary Service) Rules, 1949, namely:—

In sub-rule (2) of rule 6 of the said rules, after the words, "any Scheduled Caste", the words "or Scheduled Tribe" shall be inserted.

[No. 54/22/51-NGS.]

P. M. SUNDARAM, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS*New Delhi, the 26th May 1951*

S.R.O. 765.—In pursuance of clause (b) of section 208A of the Indian Merchant Shipping Act, 1923, (XXI of 1923), and in supersession of the Notification of the Government of India in the Ministry of External Affairs No. F.10-4/49 AWT(II) dated the 20th May, 1949, the Central Government hereby specifies the following amounts as the sums to be deposited by pilgrims sailing from Bombay, for the purpose of defraying the cost of a return ticket namely:—

- (i) in the case of a pilgrim of the age of ten years or more.....209/8.
- (ii) in the case of a pilgrim under ten years of age but not under five years of age.....104/12.
- (iii) in the case of a pilgrim under five years of age for whom a fare is chargeable.....103/12.

[No. 237/AWT/51.]

LEILAMANI NAIDU, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

SALT

New Delhi, the 19th May 1951

S.R.O. 766.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following amendment shall be made in the Central Excise Rules, 1944, namely:—

In Chapter VI of the said Rules, (rules 101 to 138) for the words "Central Board of Revenue", wherever they occur, the words "Central Government" shall be substituted.

[No. 19.]

D. P. ANAND, Dy. Secy.

STAMPS*New Delhi, the 21st May 1951*

S.R.O. 767.—In exercise of the powers conferred by clause (a) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits retrospectively the duty chargeable under the said Act in the State of Madras on receipts granted by the Pudukkottai Municipality on account of payments made to the said Municipality during the period from the 12th August 1948 to the 12th February 1949.

[No. 5.]

W. SALDANHA, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 15th May 1951

S.R.O. 768.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act 1922, (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in the Schedule appended to its Notification No. 32 Income-tax, dated 9th November, 1946, namely:—

In the said Schedule under the sub-head 'IX-Bihar and Orissa' for the existing Ranges and Income-tax Circles the following Ranges and Income-tax Circles shall be substituted, namely:—

Patna.

- (1) Patna.
- (2) Gaya.

- (3) Shahabad Circle.
- (4) Special Circle, Patna.
- (5) Dhanbad Circle.
- (6) Colliery Circle, Dhanbad.
- (7) Special Survey Circle, Patna [in respect of persons who have their principal place of business in or reside in the Jurisdiction of Income-tax Circle specified in entries (1) to (6) above].

Muzafferpur.

- (1) Muzafferpur.
- (2) Champaran.
- (3) Saran.
- (4) Darbhanga.
- (5) Purnea.
- (6) Monghyr.
- (7) Bhagalpur.
- (8) Santhal Parganas.
- (9) Special Survey Circle Patna [in respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Circles specified in entries (1) to (8) above].

Ranchi.

- (1) Salary Circle, Ranchi.
- (2) Ranchi-Palamau Circle.
- (3) Manbhum Sadar.
- (4) Singhbhum Circle.
- (5) Hazaribagh Circle.
- (6) Special Circle, Ranchi.
- (7) Special Survey Circle, Ranchi [in respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Circles specified in entries (1) to (6) above].

Cuttack.

- (1) Cuttack Circle.
- (2) Baripada Circle.
- (3) Berhampur Circle.
- (4) Rayagada Circle.
- (5) Jharsuguda Circle.
- (6) Special Circle, Cuttack.
- (7) Special Survey Circle, Ranchi [in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries (1) to (6) above].

[No. 42.]

K. B. DEB, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY*Bombay, the 5th May 1951*

S.R.O. 769.—In exercise of the powers conferred on me by clause 9 of the Cotton Textiles (Control) Order, 1948, and in supersession of the Textile Commissioner's notification No. 17(1)-Tex. (2)/49(i), dated 15th January 1949, I hereby direct that the maximum price at which—

- (1) Starch manufactured in India out of Imported American Malze Grains may be sold shall be as specified in the schedule below; and

- (ii) starch imported from outside India may be sold shall not exceed 20 per cent above the landed cost as certified by me for this purpose.

SCHEDULE TO (i)

Maize Starch Pearl. Rs. 61 per Cwt. ex-factory.

Maize Starch Powder. Rs. 64 per Cwt. ex-factory.

Maize Starch Thin boiling. Rs. 71 per Cwt. ex-factory.

Tapioca Starch. Rs. 38 per Cwt. F.O.R. Bombay.

Starch made from deteriorated Wheat, Atta or other cereals:—

(1) Pearl. Rs. 35 per Cwt. ex-factory.

(2) Powder. Rs. 38 per Cwt. ex-factory.

(3) Thin Boiling. Rs. 45 per Cwt. ex-factory.

[No. 10/1-CT(B)/511]

M. R. KAZIMI, Textile Comr.

S. A. TECKCHANDANI, Under Secy.

New Delhi. the 16th May 1951

S.R.O. 770.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(41), dated the 7th September, 1950, namely:—

In the Schedule annexed to the said Order, for the entry "The Provincial Steel Officer, Government of Madhya Pradesh, Nagpur.", the entry "The Steel Controller, Government of Madhya Pradesh, Nagpur." shall be substituted.

[No. SC(A)-4(96).]

S.R.O. 771.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-1(530)D, dated the 26th May, 1948, namely:—

In the Schedule annexed to the said Order, for the entry "The Provincial Steel Officer, Government of Madhya Pradesh, Nagpur.", the entry "The Steel Controller, Government of Madhya Pradesh, Nagpur." shall be substituted.

[No. SC(A)-4(96)A.]

S.R.O. 772.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-1(106), dated the 8th March, 1943, namely:—

In the Schedule annexed to the said Order, for the entry "The Provincial Steel Officer, Government of Madhya Pradesh, Nagpur.", the entry "The Steel Controller, Government of Madhya Pradesh, Nagpur." shall be substituted.

[No. SC(A)-4(96)C.]

S.R.O. 773.—In exercise of the powers conferred by sub-clause (b) of Clause 2 of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(78)A, dated the 6th January, 1951, namely:—

In the Schedule annexed to the said Order, for the entry "The Provincial Steel Officer, Government of Madhya Pradesh, Nagpur.", the entry "The Steel Controller, Government of Madhya Pradesh, Nagpur." shall be substituted.

[No. SC(A)-4(96)D.]

S.R.O. 774.—In exercise of the powers conferred by sub-clause (b) of Clause 2 of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is

pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(78)B, dated the 6th January, 1951, namely:—

In the Schedule annexed to the said Order, for the entry "The Provincial Steel Officer, Government of Madhya Pradesh, Nagpur.", the entry "The Steel Controller, Government of Madhya Pradesh, Nagpur." shall be substituted.

[No. SC(A)-4(96)E.]

S.R.O. 775.—In exercise of the powers conferred by sub-clause (b) of Clause 2 of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(78)C, dated the 6th January, 1951, namely:—

In the Schedule annexed to the said Order, for the entry "The Provincial Steel Officer, Government of Madhya Pradesh, Nagpur.", the entry "The Steel Controller, Government of Madhya Pradesh, Nagpur." shall be substituted.

[No. SC(A)-4(96)F.]

S.R.O. 776.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(41), dated the 7th September, 1950, namely:—

In the Schedule annexed to the said Order, for the entries "All District Controllers of Civil Supplies, All Assistant Directors of Consumer Goods (Steel Section) and all Sub-Divisional Controllers of Civil Supplies appointed by the Government of West Bengal.", the entry "All Assistant Directors of Consumer Goods and all Sub-Divisional Controllers of Supplies appointed by the Government of West Bengal." shall be substituted.

[No. SC(A)-4(96)G.]

New Delhi, the 17th May 1951

S.R.O. 777.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-1(699)/48-B, dated the 16th August, 1948, namely:—

In the Schedule annexed to the said Order, for the entry "The Provincial Steel Officer, Government of Madhya Pradesh, Nagpur", the entry "The Steel Controller, Government of Madhya Pradesh, Nagpur." shall be substituted.

[No. SC(A)-4(96)B.]

N. R. REDDY, Under Secy.

CENTRAL TEA BOARD

New Delhi, the 19th May 1951

S.R.O. 778.—In exercise of the powers conferred by clause II(d) of Sub-section (3) read with sub-section (5) of section 4 of the Central Tea Board Act, 1949, the Central Government hereby notifies that the Government of Madras has nominated Shri M. Kanti Raj, as member of the Central Tea Board *vice* Shri R. M. Sundaran, I.C.S., resigned.

2. Shri M. Kanti Raj shall hold office for a term of three years with effect from the date of this notification.

[No. 306(1) Plant (Tea)/51]

S.R.O. 779.—In exercise of the powers conferred by clause (III) of sub-section (3) read with sub-section (5) of section 4 of the Central Tea Board Act, 1949, the Central Government hereby notifies that Shri Dev Kanta Borooah, M.P., who has been duly elected by the Parliament shall be a member of the Central Tea Board *vice* Shri Upendranath Barman resigned.

Shri Dev Kanta Borooah M.P., shall hold office for a term of three years with effect from the date of this notification.

[No. 309(8)-Tea/51 Plant].

M. R. A. BAIG, Dy. Secy.

New Delhi, the 22nd May 1951

S.R.O. 780.—In exercise of the powers conferred by section 26 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Sulphur Stock (Regulation) Rules, 1951, namely:—

In the said Rules—

(a) In rule 2 the following shall be added at the end, namely:—

“Every such person shall submit in writing to the aforesaid officer, before the 15th day of every month, particulars of the stocks of sulphur held by him on the 1st day of the preceding month, in the form specified in the Schedule”.

(b) After rule 3, the following Schedule shall be inserted, namely:—

“THE SCHEDULE

(See rule 2)

Stock return for sulphur for the month of

- (a) Opening stocks of sulphur.
- (b) Quantity of sulphur acquired during the month.
- (c) Quantity of sulphur consumed during the month.
- (d) Closing stocks of sulphur.
- (e) Quantity of products manufactured against sulphur consumed.”

[No. PC-18(1)/51.]

P. S. SUNDARAM, Under Secy.

New Delhi, the 22nd May 1951

S.R.O. 781.—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Commerce and Industry S.R.O. No. 169, dated 1st February 1951, namely:—

In the said notification—

- (a) after the words “cycle tyres and tubes” where they occur for the first time the words “manufactured in India” shall be inserted;
- (b) after the words “maximum prices for” the word ‘such’ shall be inserted.

[No. 14(2)PC/50.]

S. K. DATTA, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 26th May 1951

S.R.O. 782.—Under Rule I(8) of the Rules and Regulations of the Indian Central Jute Committee Mr. N. S. McArthur of Messrs. D. L. Miller and Co. Ltd., Melard House, 28, Dalhousie Square, Calcutta has been nominated by the Bengal Chamber of Commerce to be a member of the Indian Central Jute Committee with effect from the 1st May, 1951 vice Mr. T. B. Elley resigned.

[No. F.4-15/51-C.J.]

P. M. DAS GUPTA, Dy. Secy.

New Delhi, the 26th May 1951

S.R.O. 783.—In exercise of the powers conferred by clause 2(a) of Vegetable Oil Products Control Order, 1947 as subsequently amended vide Ministry of Agriculture Notification No. 2-VP(2)/48 dated the 9th October, 1948, the Vegetable Oil Products Controller for India is hereby pleased to confer upon the officers specified in Col. 2 of the Schedule hereto annexed in respect of their respective

jurisdiction in the State mentioned in Col. 1, the powers of the Controller under clause 8-A of the said order.

THE SCHEDULE

<i>State</i> (1)	<i>Designation of authority</i> (2)
Madras	1. City Rationing Officer, Madras. 2. Rationing Officers, Madras City and Muffasil. 3. Assistant Rationing Officers, Madras City and Muffasil.

[No. 2-VP(2)/51.]

N. T. MONE, Veg. Oil Products Contrl.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

New Delhi, the 19th May 1951

S.R.O. 784.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following amendment shall be made in the Mineral Concession Rules, 1949, namely:—

To clause (i) of sub-rule (1) of rule 41 of the said Rules, the following provision shall be added, namely:—

“Provided that such rates shall be liable to be revised with effect from the beginning of the year 1955 and thereafter once in every 10 years;

Provided further that, in the case of a lease executed after the coming into force of these Rules, the lessee shall not be required to pay, during the currency of his lease, a rate of royalty exceeding $1\frac{1}{2}$ times the original rate specified in his lease.”

[No. M. II-159(4).]

T. GONSALVES, Dy. Secy.

MINISTRY OF HEALTH

New Delhi, the 22nd May 1951

S.R.O. 785.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1933 (XXVII of 1933), the Central Government after consultation with the Medical Council of India, hereby directs that the following further amendment shall be made in the First Schedule to the said Act, namely:—

In the said Schedule after the entries “Bachelor of Medicine” and “M.B., Cal.” in the second and third columns respectively against the entry relating to “University of Calcutta” the entries “Bachelor of Medicine and Bachelor of Surgery” and “M.B., B.S., Cal.” respectively shall be inserted.

[No. F. 17-6/51-M.I.]

S. DEVANATH, Under Secy.

MINISTRY OF REHABILITATION

Delhi, the 12th May 1951

S.R.O. 786.—In exercise of the powers conferred by section 16 of the Displaced Persons' (Claims) Act, 1950 (XLIV of 1950), the Central Government hereby directs that the following amendment shall be made in the Displaced Persons' (Verification of Claims) Rules, 1950.

For rule 22 of the said rules the following rule shall be substituted namely:—

22.(1) A fee of -/8/- shall be levied for supplying to a claimant the first copy of a final order made by a Claims Officer.

- (ii) A fee of Re. 1/- shall be levied for supplying to a claimant a first copy of the final order made by the Revising authority if the application is made at or before the hearing.
- (iii) (a) The following fee shall be charged where an application for copies is made to the Central Claims Office:—

First 200 words or under Re.1/-

Every additional 100 words or fraction thereof -/8/-.

- (b) An additional fee of Re. 1/- shall be charged for a copy urgently required.
- (c) A search fee at the rate of Re. 1/- shall be levied if no Index number or Registration number is given in the application for a copy.
- (iv) The fee for copies should be paid in the form of Indian Postal Order crossed in the name of Joint Chief Claims Commissioner and attached to the application for a copy.

[No. 2(6)/CCC/P-50.]

S. B. CAFOOR,

Joint Chief Claims Commissioner and
Joint Secy. to the Govt. of India.

New Delhi, the 18th May 1951

S.R.O. 787.—In exercise of the powers conferred by sub-section (1) of section 55 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government is pleased to delegate to the Deputy Director, Rehabilitation, Alwar, the power to issue certificates as required under the proviso to sub-section (1) of section 16 of the aforesaid Act, to the Meos who have been restored their holdings in the Matsya Union and whose pucca houses have to be restored to them.

[No. 1(3) (37)/51-Prop.]

V. D. DANTYAGI, Joint Secy.

MINISTRY OF COMMUNICATIONS

(POSTS AND TELEGRAPHS)

New Delhi, the 11th May 1951

S.R.O. 788.—In exercise of the powers conferred by Section 21 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby makes the following further amendment to the Indian Post Office Rules, 1933; namely:—

In sub-rule (1) of rule 35 of the said Rules the following words shall be added at the end, namely:—

“If a parcel contains cloth or woollen materials, it must be packed in a strong wrapper with an outer covering of stout cloth. In the case of a parcel containing other articles, it must be packed in a metal container or wooden case according to the nature of the article.”

[No. C-40-114/50.]

New Delhi, the 19th May 1951

S.R.O. 789.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

For rule 14-A of the said Rules the following shall be substituted:—

“14-A Should a letter card be posted infringing any of the conditions laid down in Rules 11-A and 13(5) or without the postage having been prepaid in full, it shall be treated as a letter and double the deficiency at letter postage rate shall be recovered.”

[No. C-40-20/51]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 16th May 1951

S.R.O. 790.—In exercise of the powers conferred by clause (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (IX of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry, No. 801, dated the 24th March, 1905, the Railway Board hereby make the following further amendment in the notification of the late Railway Department (Railway Board), No. 1080-T, dated the 13th February, 1926, namely:—

In the said notification, after the words "Sindia State" the words "Nizams State" shall be inserted.

2. The notification No. 401-T, dated the 28th May, 1925 issued by the Railway Board regarding the rules for the warehousing and retention of goods for the Nizam's State Railway is hereby cancelled.

[No. 995-TG.]

S. K. GUHA, Joint Dir.

New Delhi, the 18th May 1951

S.R.O. 791.—Whereas in the notification of the late Railway Department (Railway Board) No. 1078-T, dated the 9th March, 1929, general rules were made for all railways in the territory then known as British India administered by the Government and for the time being used for the public carriage of passengers, animals or goods:

And whereas the said rules were adopted by the Companies administering the railways specified in the first column of the Schedule hereto annexed, with the sanction of the Railway Board conveyed in the notification specified in the corresponding entries of the second column thereof:

And whereas in the Railway Board's notification No. 1093-TG, dated the 25th July, 1950, published in the Gazette of India, Part II Section 3, dated the 5th August, 1950, certain amendments were made in the said rules.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 47 of the Indian Railways Act, 1890 (IX of 1890), and by the notification of the Government of India in the late Department of Commerce and Industry, No. 801, dated the 24th March, 1905, the Railway Board hereby sanction the making of the said amendments in the said rules as adopted by the said Companies.

SCHEDULE

Railways

Notification

- | | |
|--|--|
| (1) Madras Port Trust Railway. | No. 1078-T, dated the 26th June 1929. |
| (2) Barsi Light Railway. | No. 1078-T, dated the 21st August 1929. |
| (3) Bombay Port Trust Railway. | No. 1078-T, dated the 18th September 1929. |
| (4) Burdwan Katwa Light Railway. | No. 1078-T, dated the 26th June, 1929. |
| (5) Ahmadpur-Katwa Light Railway. | No. 1078-T, dated the 26th June, 1929. |
| (6) Bankura-Damodar River Light Railway. | No. 1078-T, dated the 26th June 1929. |
| (7) Kalighat-Falta Light Railway. | No. 1078-T, dated the 26th June, 1929. |

[No. 1093-TG.]

RANJIT SINGH, Joint Dir.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY

New Delhi, the 18th May 1951

S.R.O. 792.—The following draft of a further amendment to the Petroleum Rules, 1937, which it is proposed to make in exercise of the powers conferred by section 4, sub-section (2) of section 5, sub-section (2) of section 14, sections 21 and 22, and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), is published as required by sub-section (2) of section 29 of the said Act for information of all persons likely to be affected thereby and notice is hereby

given that the said draft will be taken into consideration on or after the 30th May 1951. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Rules—

(1) In sub-rule (2) of rule 1, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

(2) In rule 2A—

(i) after the words "merged territories" the words and letter "or any Part B State" shall be inserted.

(ii) after the words "merged territory" the words and letter "or Part B State" shall be inserted.

(3) In the proviso to sub-rule (2) of rule 115, after the words "merged territory" the words and letter "or a Part B State" shall be inserted.

[No. M-128(9)(i).]

S.R.O. 793.—The following draft of a further amendment to the Gas Cylinders Rules, 1940, which it is proposed to make in exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884), is published as required by section 18 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th May 1951. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Rules—

In sub-rule (2) of rule 1, the words and letter "except Part B States" shall be omitted.

[No. M-128(9)(ii).]

S.R.O. 794.—The following draft of a further amendment to the Cinematograph Film Rules, 1948, which it is proposed to make in exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), is published as required by sub-section (2) of section 29 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th May 1951. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In the said Rules—

(1) In sub-rule (2) of rule 1, for the words and letter "Part B States", the words "the State of Jammu and Kashmir" shall be substituted.

(2) In rule 2A—

(i) after the words "merged territories" the words and letter "or any Part B State" shall be inserted.

(ii) after the words "merged territory", the words and letter "or Part B State" shall be inserted.

(3) In the proviso to sub-rule (ii) of rule 33, after the words "merged territory", the words and letter "or a Part B State" shall be inserted.

[No. M-128(9)(iii).]

S.R.O. 795.—The following draft of a further amendment to the Carbide of Calcium Rules, 1937, which it is proposed to make in exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), as applied to Carbide of Calcium by the notification of the Government of India in the late Department of Industries and Labour No. M-826 (1), dated the 15th October 1936, is published as required by sub-section (2) of section 29 of the said Act for information of all persons likely to be affected.

thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th May 1951. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Rules—

(1) In sub-rule (ii) of rule 1, for the words and letter "Part B States", the words "the State of Jammu and Kashmir" shall be substituted.

(2) In rule 2A—

(i) after the words "merged territories" the words and letter "or any Part B State" shall be inserted.

(ii) after the words "merged territory", the words and letter "or Part B State" shall be inserted.

(3) In the proviso to sub-rule (2) of rule 39 after the words "merged territory" the words and letter "or a Part B State" shall be inserted.

[No. M-128(9)(iv).]

S.R.O. 796.—The following draft of further amendments to the Explosives Rules, 1940 which is proposed to make in exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884) is published as required by section 18 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th May 1951. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government

Draft Amendments

In the said Rules—

(1) In sub-rule (2) of rule 1, the words and letter "except Part B States" shall be omitted.

(2) In rule 2A, after the words "merged territories" and "merged territory" the words "or a Part B State" shall be inserted.

[No. M-128(9)(v).]

S.R.O. 797.—In exercise of the powers conferred by sub-section (1) of section 30 of the Petroleum Act, 1934 (XXX of 1934), the Central Government hereby applies to Cinematograph Films having a nitro cellulose base the provisions of sections 2 to 4, 12 to 14, 23 to 29 and section 31 of the said Act in all Part B States, except the State of Jammu and Kashmir.

[No. M-128(9)(vi).]

S.R.O. 798.—In exercise of the powers conferred by sub-section (1) of section 30 of the Petroleum Act, 1934 (XXX of 1934), the Central Government hereby applies to Carbide of Calcium the provisions of sections 2 to 4, 12 to 14, 23 to 29 and section 31 of the said Act in all Part B States except the State of Jammu and Kashmir.

[No. M-128(9)(vii).]

S.R.O. 799.—In exercise of the powers conferred by sub-section (1) of section 30 of the Petroleum Act, 1934 (XXX of 1934), the Central Government hereby applies to Calcium Phosphide the provisions of sections 2 to 4, 12 to 14, 23 to 29 and section 31 of the said Act in all Part B States except the State of Jammu and Kashmir.

[No. M-128(9)(viii).]

N. P. DUBE, Under Secy.

MINISTRY OF LABOUR

New Delhi, the 15th May 1951

S.R.O. 800.—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), the Central Government hereby directs that the following amendment shall be made in the Coal Mines

Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely:—

In sub-rule (2) of rule 30 of the said Rules for the words “of an amount equal to the duty collected on such coal to the person from whom such duty was collected”, the following shall be substituted, namely:—

“to the person from whom such duty was collected of an amount equal to the duty of excise collected on such coal less deduction of such percentage as the Central Government may, by general or special order, fix as the cost of collection of such duty:

Provided that no claim for any such refund shall be entertained unless it is preferred within one year from the end of the quarter to which the claim relates.”

[No. M-1(7)/50.]

New Delhi, the 16th May 1951

S.R.O. 801.—In exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby makes the following amendments to the Minimum Wages (Central) Rules, 1950, the same having been previously published as required by the said section, namely:—

In the said Rules:—

(i) In clause (i) of sub-rule (1) of rule 21, after the words “shall be paid”, the words “on a working day” shall be inserted.

(ii) In rule 24 after sub-rule (4), the following sub-rule shall be added; namely

“(5) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948”.

(iii) In rule 25 after sub-rule (2), the following sub-rule shall be added, namely

“(3) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.”

[LWI-24(16).]

P. N. SHARMA, Under Secy.

New Delhi, the 16th May 1951

S.R.O. 802.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the Industrial Tribunal, Dhanbad, in the industrial disputes between the Free India General Insurance Company, Limited, Kanpur, and its workmen.

AWARD I

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

Reference No. 1 of 1951

PARTIES

The Free India General Insurance Company Ltd., Kanpur

AND

Its workmen at the Head Office.

PRESENT:

Shri S. P. Varma, Barrister-at-Law, Chairman, Central Govt. Industrial Tribunal.

APPEARANCES

Shri T. N. Mahotra, B.Com., L.L.B. assisted by Shri M. B. Sinha, Secretary, U. P. Insurance Employees' Association, for the workmen.

Shri Ramnath Seth, Advocate, assisted by Shri P. N. Gupta, Establishment Superintendent of the company for the employers.

AWARD

By a notification No. LR.90(65) of 21st December 1950 the Government of India in the Ministry of Labour referred this dispute to this Tribunal for adjudication in the following terms:

“Whereas an industrial dispute has arisen between the Free India General Insurance Company Limited, Kanpur, and its workmen at the head office, in respect of the matters specified in the Schedule hereto annexed,

AND whereas the Central Government considers it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947-), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Dhanbad, constituted under Section 7 of the said Act.

SCHEDULE

(1) Whether the retrenchments effected on and after the 1st July 1950 were necessary and appropriate.

(2) Whether the discharge of the following office bearers of the U. P. Insurance Employees' Association Kanpur, was proper or amounted to victimisation:

1. Shri K. N. Srivastava—Vice President.
2. Shri M. B. Sinha—Secretary.
3. Shri Rama Kant Nigam—Joint Secretary.
4. Shri S. N. Trivedi—Ex-Joint Secretary.
5. Shri A. M. Rai—Member of the Executive Committee.
6. Shri Ram Sakal Tewari—Member of the Executive Committee.
7. Shri V. D. Dwivedi—Member of the Executive Committee.

(3) Whether the persons mentioned in items 1 and 2 are entitled to reinstatement and back pay.

(4) Whether annual increments are being paid to the staff and if not whether these increments should be paid regularly and if so from what dates and at what rates."

2. The insurance company in which this dispute has arisen has its head office at Kanpur in the Uttar Pradesh

3. The usual notices were served on the parties on 8th January 1951 and after receipt of their respective statements the date of hearing at Kanpur was fixed for 12th March 1951. The hearing lasted for three days. Shri Ramnath Seth, Advocate, appeared for the company and Shri Mahotra, B.Com., L.L.B., for the workmen. They were assisted by Shri P. N. Gupta Establishment Superintendent of the company and Shri M. B. Sinha, Secretary of the U. P. Insurance Employees' Union, respectively.

4. I shall now take up the issues separately.

Issue No. 1

Whether the retrenchments effected on and after the 1st July 1950 were necessary and appropriate.

5. The case of the Union as presented in their written statement is that ever since the insurance employees in Kanpur organised themselves into a trade Union to protect their rights and privileges, which had been hitherto at the mercy and pleasure of the employers, and, in particular, since the workmen employed by this company showed their keenness to work for and support the trade union, the company began to adopt coercive methods and employ illegitimate means to break their solidarity and organisation. The tension between the employees and the employers became further strained as a result of the enthusiasm evinced by the workmen, during the proceedings of the previous Tribunal which ended in an award in Reference No. 5 of 1949 given by the Chairman, Central Government Industrial Tribunal, Calcutta, published in the gazette on the 20th December 1949. The workmen's statement further says that since the award was published the company adopted the policy of harassing and causing pinpricks and the various proceedings before the Conciliation Officer proved fruitless on account of the hostile attitude taken by the company throughout. It was with the object of doing away with the services of those employees whom the company thought to be the backbone of the movement against the employers that the policy of retrenchment was taken recourse to. By this, according to the workmen, the company removed from service those persons who were active members of the trade unions and terrorised the workmen who still continued in service. In fact the workmen say that they made some suggestions for reduction in the expenses of the working of the concern but they were not listened to because the company's main object was more to get rid of the active union members than to introduce economy. The

workers further say that the employers have not followed the accepted principle of retrenchment, namely, last come first go and assurance of re-employment at the first occurrence of a normal vacancy from the list of seniority of the retrenched hands. The Union further says that these retrenchments were neither necessary nor appropriate. This written statement of the Union has been supplemented by the arguments of Mr. M. B. Sinha who represented the workmen at the time of hearing at Raipur. In his arguments he pointed out that the U. F. Insurance Employees' Association was formed in the year 1948. He also pointed out that the first dispute between the workers and the employers was in connection with Dear Food Allowance and some other cases of victimisation. The award has been published and Mr. Sinha laid special emphasis on the warning given by the Chairman of that award. He also referred to the letter of the Conciliation Officer dated 1st June 1950 and 10/13 June 1950. After the award of 20th December 1949 of the Calcutta Tribunal, he says increments in head office and branches were stopped. While the correspondence was going on about increments, 18 persons were retrenched. This matter was intimated to the Conciliation Officer as well as the Chief Labour Commissioner. While conciliation proceedings were going on before the Conciliation Officer about 11 persons were retrenched on 5th October and 13th October 1950, although the notice to Conciliation Officer had been given on 26th July 1950, the date for conciliation proceeding was fixed for 21st August 1950. Shri Sinha further argues that the management did not keep their promise contained in a letter dated the 1st June 1950. On 8th September 1950 the Regional Labour Commissioner says that he was approached for permission to retrench and he wanted the Union views which was given on 11th September 1950. The Union says that they have no knowledge of what further statements were taken in, in this connection. The Union further argues that as the conciliation proceedings were pending the retrenchment are all illegal and should be set aside and the workmen should be reinstated or in the alternative given reasonable compensation. Shri Mahotra also argued on behalf of the Union.

b The company on the other hand, urges that the retrenchments to which they had taken recourse to was not a *mala fide* act as mentioned by the workmen. The company has been sustaining loss in its working from the year 1948. The loss of the company was greater in 1949 and they anticipated that the loss in 1950 also would be considerable. The loss was so great that they could not comply with even the provisions of the Insurance Act. They were at times criticised by the Controller of Insurance, who pointed out certain irregularities and said that if these irregularities were not removed the Government would have to step in. The company wanted time and it has been extended upto March 1951. By the promulgation by the Central Government of an Ordinance known as "Insurance Ordinance 1950" the powers of incurring expenditure by the management were reduced to a considerable extent. This ordinance was made into law known as Insurance Amendment Act 1950 which fixed a limit of the expenses of an insurance company. But the business procured by the company since 1948 has been falling gradually. They refer to their balance sheets of the years 1948-49 and show that in 1950 their business did not go beyond 78 lakhs and odd whereas their business in 1948-49 was one crore 76 lakhs and odd and in 1949 1 crore 39 lakhs and odd. The chief cause of this fall in their business was attributed to the economic conditions prevailing in the country and due to the partition of Punjab and Bengal. It was under these conditions that retrenchment was taken recourse to. The strength of the staff at the Head Office was:

Officers 17,

Clerks 155,

Junior staff 53

and the total salary bill at the head office alone was about Rs. 31,000 per month. The management wanted to reduce the expenses by at least 50 per cent. from January 1950. Therefore the number of officers was reduced to 9, of clerical staff to 84 and junior staff to 50. They had also to see that the work was not dislocated. The scheme of retrenchment was made under these heads according to the seniority and usefulness of the personnel of the company, and efficiency. Even the salaries of the officers who have been allowed to stay has been reduced considerably. The scheme of retrenchment was to be completed within a course of 12 months in three batches, namely, first batch from January 1950 to 30th June 1950, 2nd batch from July to December and the third batch in January 1951. Although the list was not submitted along with the written statement it was submitted later on at the time of hearing. The company submit that under the circumstances it cannot be said that the action of the company was in any way *mala fide* as mentioned by

the workmen in their written statement. The retrenchments were necessary under the circumstances.

7. I have verified the statement of the company by looking at their balance sheets for the years ending 31st December 1948 and 31st December 1949 and I find that the statements of the management are substantially correct.

8. In the course of his argument Shri Seth appearing for the company drew my attention to the Insurance Amendment Act 1949 specially section 40B and 40C. Attention was also drawn by him to the rules under the Act referring particularly to Rule 17D, 17E, and 17F for the purpose of showing that the insurance companies now-a-days are restricted in their expenditure. Looking at the balance sheets there is no doubt that the business of the company was falling down and therefore if they started curtailing their expenses there was nothing wrong in doing it.

9. One of the points raised is that while the conciliation proceedings were pending their retrenchment which was brought about by the company was illegal. The reply of Shri Seth appearing for the company is that on the materials and the records before the Tribunal there was no dispute and there could be no conciliation proceedings pending. At first there was a conciliation proceeding on 10th June 1950 and the date fixed for conciliation was 17th June 1950. The final report was submitted on 5/6th July 1950. There is no information as to what this report was, when it was received by the appropriate government, and as to what happened with regard to this report. But there was another conciliation proceeding a notice for which was issued on 26th July 1950 fixing the date of conciliation as 21st August 1950. The company wanted the charter of demands from the workmen and as there was no such charter of demands submitted by them the company naturally thought that there was no dispute and therefore they did not appear on 21st August 1950, the date fixed for conciliation proceeding, as per letter of the company dated 18th August 1950. There seems to be a lot of force in the argument advanced by Shri Seth appearing for the company in reply to the contention put forward by the workmen. In this view of the matter as there was nothing illegal in the scheme of retrenchment on the materials before me and as the company was running at a loss from year to year, I am of the opinion that there was nothing improper in the retrenchment scheme of the company. But this does not mean that individual cases mentioned in issue No. 2 will not be considered.

The principle of retrenchment is that last come first go. The company claims in the course of its argument that the question of efficiency should also be taken into consideration and it should be left to the discretion of the company in considering as to who are the persons to be retrenched. On this point my attention has been drawn to various awards. They are:

1. Ford Motor Company of India Ltd., Bombay, *versus* its workmen, at page 308, para. 13, published in the Bombay Industrial Court Reporter, March 1949.
2. Fazal Bhoi Nathoo & Company, Bombay, *versus* its workmen, at page 655—para 26, case No. IT-108 of 1949 published in Bombay Government Gazette dated 23rd February 1950.
3. Textile Labour Association, Ahmedabad, *versus* Shri Vivekanand Mills Ltd. Ahmedabad page 2294—para. 4, Review application 7 of 1949 published in the Bombay Government Gazette dated 22nd December 1949.
4. B. N. Elias and Co. Ltd. Calcutta, *versus* their employees, at pages 1854 and 1865, published in Calcutta Gazette dated 20th October 1949.

The principles are well known and I need not repeat them. I have gone through all the above mentioned awards and I am impressed by the observations made in *Fazal Bhoi Nathoo & Company, Bombay, versus* its workmen, published in the Bombay Government Gazette dated 23rd February 1950 at page 642, which runs as follows:—

“I have already said above in paragraph 11 that seniority alone is not the criterion for deciding the order in which employees in the same branch or section of service should be retrenched. Along with seniority have to be taken into account other factors such as qualifications of the individuals, his efficiency including past record, his daily attendance, application to work and the possibility or otherwise of his being fitted into the re-organised set-up. Every employer has the right to retain that complement of employees which is the most efficient and the most suited to the requirements of his industry or business. If the

employee is lacking in these essentials, which constitute his merit to be retained, his seniority alone cannot be permitted to prevail."

These observations may be useful while dealing with the individual cases in Issue No. 2. So far as this issue is concerned I am of opinion that the retrenchment was neither unjustifiable nor illegal nor was the procedure followed in any way objectionable.

Issue No. 2.

Whether the discharge of the following office-bearers of the U. F. Insurance Employees' Association, Kanpur, was proper or amounted to victimisation:

1. Shri K. N. Srivastava—Vice-President. 2. Shri M. B. Sinha.—Secretary. 3. Shri Rama Kant Nigam—Joint Secretary, 4. Shri S. N. Trivedi—Ex Joint Secretary, 5. Shri A. M. Rai, Member of the Executive Committee, 6. Shri Ram Sakal Tewari—Member of the Executive Committee. 7. Shri V. D. Dwivedi—Member of the Executive Committee.

10. Now coming to the issue regarding individual cases, the case of the Union is that the seven persons mentioned above were active members and office bearers of the Union, therefore they have been retrenched. The retrenchment therefore amounted to an act of victimisation by the management for the workmen's legitimate trade union activities. Of the seven persons named in this issue only the first four appeared before the Tribunal and made statements. The cases of those who did not appear before the Tribunal need not be considered.

11. The case of the employers on the other hand is that even those who appeared have not been able to establish that their dismissal was due to trade union activities and as a result of unfair labour practice. They also tried to point out that a large number of the members of the trade union are still working in the company and they have not been retrenched. Therefore it cannot be said that the company had any malice against any of the union office-bearers.

1. *Shri K. N. Srivastava*.—He says that he was retrenched on 5th October 1950 because he was the Vice-President of the Union. He wants the Tribunal to infer that it was due to the trade Union activities that he was retrenched. On the other hand, the company states that the said Srivastava was in charge of general correspondence and as that post was abolished and the work given to the Superintendent and consequently there was no work left for him. In answer to a question by the Tribunal as to whether any of the company's officials asked him to be a little less active in the Union work he answered in the negative. This statement was made on 12th March 1951. On the materials before me I do not think it is a case of unfair labour practice on the part of the company and therefore I do not think it is a case of victimisation.

2. *Shri M. B. Sinha*.—His case is that as he is the Secretary of the Union and had taken very keen interest in the Union activities from the time of the earlier adjudication before Shri Jeejeebhoy he has been retrenched although there is one other employee junior to him who has not been retrenched in the same department. It is true that he has taken very active part in the dispute with the company. When the company was going to retrench they would be glad to retrench a man of Shri Sinha's type but the question still remains whether it amounts to a case of victimisation. Looking at the statement made by him before the Tribunal it is clear that time after time the company had trouble with him. Further he sometimes submitted his resignation and at some other times he was warned by the company for his indiscipline and for absenting himself without permission. When the company retrenched him under these circumstances, the action of the company was not unjustifiable in retrenching him. The various pieces of evidence shown to me indicate that the company dealt with this employee with great forbearance and if at the time of retrenchment he was one of the victims of retrenchment, it is very difficult to conclude that it is a case of victimisation. There is a serious allegation about breach of faith against Shri Sinha regarding certain documents of the company. He has taken shelter in the statement that he got certain informations through his colleagues but on the other hand has given out certain informations of the company which he should not have divulged. I do not see any reason to interfere with his retrenchment.

3. *Shri Rama Kant Nigam*.—He was retrenched although there was another employee junior to him in his section where he was working. That person also is in the list 'C' of the company, that is to say the list which showed the names of persons who are likely to be retrenched in the future. He was taking leave on the slightest pretext. But he has been trying to show that he was retrenched on

account of the activities connected with the Union. But in cross-examination it transpired that there were other members of the union who were not retrenched. So it cannot be said that he has been victimised on account of trade Union activities. Furthermore, it has been pointed out that he has been carrying on rickshaw business against the service conduct rules of the company. But he explained that the rickshaw was in his mother's name. He has not been able to explain that the rickshaw was not in the name of his mother in his application dated 6th September 1950, (Exh. A) where the expression "My Rickshaw" occurs. I see no reason to interfere in his case either.

4. *Shri S. N. Trivedi*:—He was an ex-Joint Secretary of the Union. He cannot give any reason for his discharge except that he was a member of the Union and took an active interest in it. He says that he was retrenched because he happens to be the brain trust of the Union. He goes a step further and says that some of the company officials asked him to abstain from his union activities. In cross-examination it has transpired that three fourth of the workers in the company belong to the Union. He admits that a large number of the Union members are still employed in the company. He cannot say why he was specially selected for the victimisation. The company on the other hand has pointed out that his conduct was not very satisfactory. He was more or less continuously on leave and on one occasion he signed the company's attendance register and left office without permission. In cross-examination on this point he pointed out that it was on account of his sister's marriage that he went away in a hurry. To a direct question from the company's representative whether or not he took leave frequently in 1949 and 1950 he replied that whatever is found in the record of the company is correct. There were certainly one or two junior persons who were not retrenched but their names are on the list 'C'. I am of opinion that these cases that were mentioned in Issue No. 2 are not of such a nature as to call for interference by the Tribunal.

12. In view of my opinion expressed with regard to issues 1 and 2, Issue No. 3 does not arise.

Issue No. 4.

Whether the annual increments are being paid to the staff and if not whether these increments should be paid regularly and if so from what dates and at what rates.

13 The workmen in their statement said that the annual increments should be given to them according to the grades enforced by the company. The company had no right to stop the increments except by way of punishment and that too after the adoption of regular charge-sheet procedure in the case of delinquent employees. They claim the annual increment under the existing grades. They also claim that it should be paid retrospectively from the date that they were wrongfully withheld by the company. The company on the other hand, in their statement have dwelt to a great extent upon the losses which they suffered and to which they draw the attention of the Tribunal while dealing with Issue No. 1. They admit that the increments for 1949-50 were stopped as per their statement in their written statement at paragraph 24. Although under the rules of the company, the Managing Director should have considered cases of the staff for increments about the month of July 1949 as well as in 1950. They say the Managing Director used his powers and disallowed the increments these two years under Rule No. 6 of the Service Conduct Rules of the company, which runs as follows:—

"The Managing Director will consider the cases of staff for increment about the months of June for the office staff at the Head Office and Branch Offices and about the month of September for Branch Managers, each year and increased salary will be allowed with effect from 1st July and 1st October respectively same year unless the Managing Director decides otherwise."

Evidently the company is relying upon the expression 'decides otherwise'. They further say that in these two years that is to say 1949-50 general increments were withheld because these two years the company awarded an increase of Rs. 15 to 20 to each of its employees by way of increment in their salaries and an increase of D. F. A. rates. The D. F. A. had to be revised according to the award given by Shri Jeejeebhoy. They argue that as they had to comply with the orders of that Tribunal they cannot be accused of having withheld increments for 1949-50 because by that award about 3 years normal increments were awarded during 1948-49. They further say that 54 individuals were given increments in 1949-50 in spite

of the fact that the finances of the company were depleted in these two years. As they suffered losses in 1949-50 they say that the scheme of annual increments at this moment should not be allowed. This is as far as the statement of the respective cases of the parties are concerned. But in the course of the argument I find that the company submitted a note that without prejudice they were prepared to give increments under certain conditions. There seems to be some argument advanced by the company that the increment for 1948 has already been paid while some of the employees got increments in 1949. Similarly some of the employees got increment in 1950. The next increment would be in July 1951. The increment used to be from the month of July. I am of opinion that the increments that fell due in July 1950 should be paid from that month and not from 1st January 1951 as suggested by the company, and the increment that would fall due in July 1951 should be paid from the month of July 1951. Those who have got increment already in 1949-50 would not be entitled to another increment in 1950. If the increments are due and the company can pay I do not see any reason why the payments should be delayed so long. Those increments fell due in July 1950 should be paid from July 1950 and not from the 1st of January 1951 as suggested by the company. Increments that fall due in July 1951 should be paid in July 1951. I do not propose to pass any orders about increments that fell due before July 1950.

14. An application supposed to be under Section 33 was received by the Tribunal on 21st March from one Shri Prabhanjan Kumar Raha after the hearing was completed on 15th March 1951. A copy of the same was also received from the Secretary, U. P. Insurance Employees' Association, Kanpur, on 27th March 1951. It will be dealt with separately.

I therefore give my award in terms aforesaid.

S. P. VARMA,
Chairman,

Central Government's Industrial
Tribunal, Dhanbad.

DHANBAD;
Dated, the 5th May 1951.

AWARD II

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

Reference No. 2 of 1951

PARTIES

The Free India General Insurance Company Ltd. Kanpur

AND

Its workmen at the Head Office and in Branch Offices.

PRESENT

Shri S. P. Varma, Barrister-at-Law, Chairman, Central Government Industrial Tribunal.

APPEARANCES

Shri T. N. Mahotra, B.Com., L.L.B., assisted by Shri M. B. Sinha, Secretary U P. Insurance Employees' Association, for the workmen.

Shri Ramnath Seth, Advocate, assisted by Shri P. N. Gupta, Establishment Superintendent of the company for the employers.

AWARD

By notification No. LR.90(65), dated 29th January 1951 the Government of India in the Ministry of Labour referred this dispute to this Tribunal for adjudication in the following terms:

"Whereas by Order of the Government of India, Ministry of Labour, No. Lr.90(65), dated the 21st December 1950, an industrial dispute between the Free India General Insurance Company, Limited, Kanpur, and its workmen at the Head Office was referred to the Industrial Tribunal, Dhanbad for adjudication;

And whereas a further industrial dispute has arisen between the Free India General Insurance Company Limited, Kanpur, and its workmen at the Head Office and in Branch Offices in respect of matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the further dispute for adjudication;

Now, therefore in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Dhanbad, constituted under Section 7 of the said Act.

SCHEDULE

- (1) Whether annual increments are being paid to the staff in the Branch offices, and, if not, whether increments should be paid regularly, and, if so, from what dates and at what rates.
- (2) Non-payment of the Dear Food Allowance at enhanced rates, as allowed by the Industrial Tribunal, Calcutta, in its award dated the 6th December 1949, published with the Ministry of Labour Notification No. LR.2(215), dated the 20th December 1949, to 24 workmen of the company whose services were terminated before the announcement of the award.
- (3) Wrongful dismissal of the following workmen, their reinstatement and payment to them of back pay:—
 - (i) Shri Kali Prasanno Shukla, Typist, Head Office.
 - (ii) Shri Shyam Behari Awasthi, Typist, Head Office.
 - (iii) Shri N. D. Chakraverty, Branch Office, Calcutta.
 - (iv) Shri S. K. Roy, Branch Office, Calcutta.
 - (v) Shri K. L. Ganguli, Branch Office, Calcutta.
 - (vi) Shri C. C. Paul, Branch Office, Calcutta.
- (4) Withdrawal of the privilege of working for half-a-day only on Saturdays in the Head Office and in Branch offices."

2. The insurance company where this dispute has arisen has its head office at Kanpur in the Uttar Pradesh.

3. The usual notices were served on the parties on 8th February 1951 and after receipt of their respective statements the date of hearing at Kanpur was fixed for 12th March 1951. The appearances are the same as in Reference No. 1 of 1951 as the parties are same for both the References 1 and 2 of 1951.

Issue No. 1.

Whether annual increments are being paid to the staff in the Branch offices and, if not, whether increments should be paid regularly, and, if so, from what dates and at what rates.

4. This issue is in the same terms as Issue No. 4 in Reference No. 1 of 1951. I have already held in Issue No. 4 in Reference No. 1 of 1951 which runs as below:—

"I am of opinion that the increments that fell due in July 1950 should be paid from that month and not from 1st January 1951 as suggested by the company, and the increment that would fall due in July 1951 should be paid from the month of July 1951. Those who have got increment already in 1949-50 would not be entitled to another increment in 1950. If the increments are due and the company can pay I do not see any reason why the payments should be delayed so long. Those increments fell due in July 1950 should be paid from July 1950, and not from the 1st of January 1951 as suggested by the company. Increments that fall due in July 1951 should be paid in July 1951. I do not propose to pass any orders about increments that fell due before July 1950."

My award in this issue is on the same lines as given above.

Issue No. 2.

Non-payment of the Dear Food Allowance at enhanced rates, as allowed by the Industrial Tribunal, Calcutta, in its award dated the 6th December 1949, published with the Ministry of Labour Notification No. LR.2(215), dated the 20th December 1949, the 24 workmen of the company whose services were terminated before the announcement of the award.

5. So far as this issue is concerned the complaint of the employees is that the employers did not comply with the spirit of the award given by the Chairman, Central Government Industrial Tribunal, Calcutta, in as much as the 24 employees whose services were terminated before the commencement of the award have not

been paid the arrears of Dear Food Allowance at the enhanced rate. Since the award applies to all of the employees who were in the employment of the company on 1st January 1949, the date from which the award was in force, the workmen's claim for arrears is legally justified. It will be noticed that the names of the 24 persons were not mentioned in the statement of the employees. This list is dated 15th March 1951 and was submitted before the Tribunal at the time of hearing at Kanpur. The company in their written statement said that the workmen had not mentioned these 24 names, in the absence of which it was difficult for the company to meet this point. The company has now replied in the following terms. Of the 24 names mentioned six employees, namely, Shri Ram Surat Tewari, Shri Jagannath Gupta, Shri Gaya Prasad Pandey, Shri Chandrika Prasad Nigam, Shri N. S. Verma and Shri K. N. Nair have resigned from the company's service, while Shri Ram Baran, Shri Babulal, Shri Sita Ram, Shri H. C. Jain, Shri Uma Shankar and Shri E. V. K. Morthi and Shri Swami Dayal Srivastava were dismissed. These cases could not be considered at all. Some of these cases came up for consideration before the conciliation officer and he was of the opinion that their cases could not be considered as they were either dismissed or resigned. The remaining 11 persons were probationers and they were not in the regular employment of the company. Swaroop Narain Singh has been paid his dues by the company, who is No. 17 of the workmen's list. Moreover, these workmen never agitated or put in any claim before the company. This is the first time that this has been done. I am of opinion that in the face of these facts no case has been made out in favour of the workmen so far as this issue is concerned.

Issue No. 3.

Wrongful dismissal of the following workmen, their reinstatement and payment to them of back pay.

- (1) Shri Kali Prasanno Shukla, Typist, Head Office.
- (2) Shri Shyam Behari Awasthi, Typist, Head Office.
- (3) Shri N. D. Chakraverty, Branch Office, Calcutta.
- (4) Shri S. K. Roy, Branch Office, Calcutta.
- (5) Shri K. L. Ganguli, Branch Office, Calcutta.
- (6) Shri C. C. Paul, Branch Office, Calcutta.

6. Of the six names mentioned in this case only Shri Shyam Behari Awasthi, Typist in the Head Office appeared before this Tribunal. The case of the other five employees need not be considered at all. As regards Shri Awasthi, although in the statement of the workmen an attempt was made to show that he was subjected to victimisation on account of his activities in the trade union, his attention was drawn to an important letter dated 10th May, 1950, (Ex. 8 of the Tribunal) from which it appears that no mention was made of his dismissal being due to his trade Union activities. As a matter of fact, there were various charges against him. After looking into these charges the management discharged this worker. From the inconsistent statements made before the Tribunal it is difficult to rely upon his version. I see no reason to interfere with the order of discharge of the company. Under the circumstances this case does not come within the category of victimisation or unfair labour practice on the part of the company.

Issue No. 4.

Withdrawal of the privilege of working for half-a-day only on Saturdays in the Head Office and in Branch offices.

7. The workers demand that the previous practice of granting half holiday on Saturdays should be restored. They say that originally this privilege was granted to the workmen but now after the award of the Industrial Tribunal, Calcutta, in order to suppress the union activities this privilege was withdrawn. The company on the other hand pointed out that originally half holidays were given on Saturdays in order to promote amity and goodwill amongst the employees to encourage club activities. When the membership of the club declined, the company reduced it by giving only two Saturdays in a month i.e. first and third Saturdays as half holidays in a month. The company is prepared to offer half holidays on Saturdays during the 8 months of the year. But as in October, November, December, and January the amount of work is heavy they cannot afford to give half holidays on Saturdays.

8. The parties could have easily come to terms on this issue especially when it is known that in some parts of India especially at Kanpur most of the shops

are closed on Sundays and therefore some facility should be given to workers to enable them to make purchases on Saturdays. I think that half holidays should be observed on Saturdays throughout the year except in November, December and January. I think this will not retard the progress of the work which is supposed to be heavy in those months and it will serve the purpose for which the workers claim half holidays on Saturdays.

I, therefore give my award in terms aforesaid.

S. P. VARMA,

Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.

DHANBAD;

Dated the 5th May 1951.

[No. LR-90(85).]

S.R.O. 803.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947) the Central Government is pleased to publish the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the Management of the North Bhagatdih Colliery and their workmen in respect of the wages of stone-cutters.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

Reference No. 4 of 1951.

PARTIES

The management of North Bhagatdih Colliery

AND

Their workmen.

PRESENT

Shri S. P. Varma, Barrister-at-Law, *Chairman.*

APPEARANCES

For the Management of the Colliery.—Shri B. L. Agarwalla, Agent, North Bhagatdih Colliery.

For the workmen.—Shri B. P. Sinha, along with Shri Chaturanand Jha, General Secretary North Jharia Coalfield Workers Union, P.O. Dhansar.

AWARD

By a notification No. LR-2(308) of 6th February 1951 the dispute between the management of the North Bhagatdih colliery and their workmen was referred to this Tribunal for adjudication. The single point which has been referred to is in the following terms:

“Whereas an industrial dispute has arisen between the management of the North Bhagatdih colliery and their workmen in respect of the wages of stone-cutters;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of section (1) of section 10 of the Industrial Disputes Act 1947 (XIV 1947) the Central Government is pleased to refer the said dispute for adjudication to the Central Government Industrial Tribunal at Dhanbad, constituted under Section 7 of the said Act.”

2. It will be seen from the above notification that the reference is in respect of wages of stone-cutters in the North Bhagatdih colliery whose number is near about twenty. I am mentioning this matter pointedly because in the course of his argument Shri B. P. Sinha who appeared for the workmen talked about lead and lift and earth cutting and so on. I do not propose to deal with those matters. I may also mention before going into the merits of the case that I visited the North Bhagatdih colliery on 24th April along with the parties to the dispute. This colliery is worked on quarry system. I saw quarries Nos. 1, 2 and 4. Just below the layer of earth there is a layer of stones. In some places the stones

are solid blocks and in other places they are in a very broken condition. That is why the rate given to the stone-cutters varies from Rs. 24 for 1000 c.ft. to Rs. 28 per 1000 c.ft.

3. Coming now to the merits of the case the case of the workmen is that stone cutting rates paid in the neighbouring collieries for the same work are much higher and therefore the rate of the North Bhagatdih should be increased. I must say that the representative of the workers was labouring under a misapprehension that statement from the bar is equivalent to evidence and that is why no tangible evidence from the neighbouring collieries was produced. The only evidence that was produced on behalf of the workmen is the statement of the Secretary of the North Jharla Coalfield Workers Union, Shri Chaturanan Jha, who was examined as a witness in this Tribunal. I will deal with that evidence later. Just now I shall content myself by mentioning the reply of the management. Their case is that their rates are not lower than the rates given in the neighbouring collieries for similar work. As a matter of fact, the rates given by them are in accordance with the Conciliation Board's Award and subsequent modifications made from time to time. They deny that no payment is made for lead and lift. In the absence of any record from the neighbouring collieries the only evidence that we have got is the evidence of Shri Chaturanan Jha. He is a very active worker for the union and he says that Rs. 40 to Rs. 50 per 1000 c.ft. are paid by the Dhansar colliery for stone cutting although the nature of the stone there is similar to that of the North Bhagatdih and in Basta Cola for stone cutting Rs. 30 to Rs. 40 per 1000 c.ft. are being paid. His statement is not very clear as to whether the payment in Basta Cola colliery and Dhansar colliery are consolidated amounts including dearness allowance or basic wages. So it is very difficult to compare the rates in these two collieries with that of the rates prevalent in the North Bhagatdih colliery. The management has examined Shri Madan Mohan Agarwalla who is a cashier and Office Superintendent of the colliery and he has produced his books Ex. A, B and one circular letter Ex. C. Ex. A is a payment book and it shows that on the week ending 14th July 1950 the rates for earth cutting is Rs. 20 basic to Rs. 26 basic but on week ending 21st July 1951 it was increased from Rs. 22-4-0 basic to Rs. 28 basic. Ex. B deals with lead and lift payment book and I need not take notice of it as the reference is confined to stone cutting only. He further says that for stone cutting the payment is Rs. 24 to Rs. 28 basic plus 25 per cent dearness allowance. Then reference has been made to the circular letter Ex. C.

4. The question that arises is whether the stone cutters are entitled to an increase in their wages and if so to what extent. The only evidence that we find is the statement of Shri Chaturanan Jha on behalf of the workmen, but it is not supported by any documentary evidence. To show that the rates in Dhansar and Basta Cola collieries are higher than those paid in North Bhagatdih a letter was received by this Tribunal on 25th April 1951 in which the name of one more colliery was included. The letter by itself does not amount to evidence and it would not be safe to act upon it. It is in the nature of a note as well as supplementary argument.

5. My attention has been further drawn to the observations made by the Regional Labour Commissioner on 13th October 1950 wherein he observed:—

"The rate for cutting stone is apparently lower and should be at least raised to that of cutting coal."

In order to understand this line of argument it is best to quote in full the observations of the Regional Labour Commissioner in his award dated 13th October 1950. The relevant portion runs as follows:—

"The claim of the Union is that the workers for cutting stone bands should get more than for cutting coal. Stones are harder than coal cannot be denied. The management showed that they are allowing Rs. 22-4 to Rs. 24 per thousand c.ft. with 25 per cent D.A. at present. In the C.B. Award, a coal cutter who cuts and fills 36 c.ft. tub gets Rs. 1-14 per day, including D.A. as his minimum wages. For cutting the bands here he gets 22-4 plus 5-9 as D.A. to Rs. 24 plus Rs. 6 D.A. for 1000 c.ft. i.e. about Re. 1 to 1-1 for 36 c.ft. Thus the income for cutting stone band appears to be lower than what he could get for cutting coal. The rate for cutting stone is apparently lower and should be at least raised to that of cutting coal. I say the same rate because such bands, are found under mixed with coal bands."

Looking at the above quotation it appears that the learned Regional Labour Commissioner has come to his conclusions because he rightly thinks that stone cutting is a little more difficult than cutting coal. As it is, the rate that the workmen are getting is Rs. 24 to Rs. 28 for 1000 c.ft. for cutting stone. Over and

above this they are getting 25 per cent dearness allowance. The total would come to Rs. 30 to Rs. 35-8 per 1000 c.ft. For coal cutting according to Conciliation Board award the workers should get Rs. 20-13-4 basic per 1000 c.ft. and dearness allowance at the rate of 150 per cent which comes to Rs. 31-4-. But if the dearness allowance is only 25 per cent then the total emoluments would be Rs. 20-13-4 plus Rs. 5-3-4 which comes to Rs. 26-0-8 whereas here the stone cutters are getting Rs. 30 to Rs. 35-8. But the fact remains that coal cutters are getting much more than Rs. 26-0-8 because his dearness allowance comes upto 150 per cent which totals something like Rs. 52-1-5 per 1000 c.ft. It may however be noted that this includes loading also. Considering that stone cutting is a little more difficult than coal cutting I think that the ends of justice in this colliery would be met if I raise the minimum basic wages of stone cutters from Rs. 24 to Rs. 26 and maximum from Rs. 28 to Rs. 30 basic with 25 per cent dearness allowance in each case.

I therefore give my award in terms aforesaid.

DHANBAD;

S. P. VARMA,

Chairman

Dated, the 4th May 1951.

Central Government Industrial Tribunal.
Dhanbad.

[No. LR-2(308)].

New Delhi, the 22nd May 1951

S.R.O. 804.—In pursuance of sub-section (2) of section 9 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948) and in supersession of the notification of the Government of India in the Ministry of Labour No. P.F. 15(27), dated the 11th/13th June 1949 the Central Government hereby specifies Shri S. N. Mubayi, Coal Mines Provident Fund Commissioner, Dhanbad as the authority who may sanction the making of a report of the facts constituting an offence under any scheme framed under the said Act.

[No. P.F. 15(27).]

New Delhi, the 26th May 1951

S.R.O. 805.—*Corrigendum.*—In the notification of the Government of India in the Ministry of Labour No. S.R.O. 537, dated the 9th April 1951, published at page 593 of the *Gazette of India*, Part II, Section 3, dated the 14th April 1951, under "Representatives of the Employers of Dock Workers and Shipping Companies", for "Shri J. P. Mehta" read "Shri N. P. Mehta."

[No. Fac. 73(23).]

ORDER

New Delhi, the 16th May 1951

S.R.O. 806.—Whereas an industrial dispute has arisen between the workmen of the Standard Colliery and their management, namely Messrs. Bird and Company Limited, in respect, so far as the Central Government is aware of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad, constituted under section 7 of the said Act.

SCHEDULE

1. Compensation for earned leave.
2. Proportionate bonus for the quarter.
3. Railway fare.

[No. LR-4(200).]

S. NEELAKANTAM, Dy. Secy.